

Amendments to the Claims:

1. (cancelled)

2. (cancelled)

3. (previously amended) A backpack as claimed in claim 29, wherein one of said at least one air channel is positioned to face the spine of a wearer when in use, and is sufficiently deep so as to avoid contact with the spine of said wearer when in use.

4. (cancelled)

5. (cancelled)

6. (cancelled)

7. (cancelled)

8. (cancelled)

9. (cancelled)

10. (cancelled)

11. (cancelled)

12. (cancelled)

13. (cancelled)

14. (cancelled)

15. (cancelled)

16. (cancelled)

17. (previously amended) A backpack, comprising:

a backpack body, said backpack body having a back-facing face, said backpack body defining at least one storage compartment having a bottom, a closure member and a top that is openable by the closure member, wherein a bottom board is positioned at said bottom, wherein said bottom board is at least semi-rigid, wherein said bottom board is angled upwards in a direction away from said back-facing face, wherein said backpack is configured to maintain said bottom board generally in said direction when said backpack contains a load therein; and

at least one shoulder strap connected to said backpack body, wherein said at least one shoulder strap is adapted for mounting said backpack on a wearer,

wherein said backpack body has an away-facing face generally opposed to said back-facing face, and the backpack further comprises at least one cinch strap connected to said backpack body and extending across the closure member, the cinch strap includes a separation clip that is separable whereby unobstructed access is provided to the storage compartment that is openable by the closure member when the separation clip is separated.

18. (original) A backpack as claimed in claim 17, further comprising a back board positioned on said back-facing face, wherein said back board is at least semi-rigid.

19. (original) A backpack as claimed in claim 17, further comprising a plurality of cushions positioned on said back-facing face, wherein said plurality of cushions are positioned on all regions of said back-facing face that contact the back of said wearer when in use.

20. (cancelled)

21. (cancelled)

22. (Previously amended) A backpack, comprising:

a backpack body, said backpack body having a back-facing face, said backpack body defining at least one storage compartment having a bottom, wherein a bottom board is positioned at said bottom, wherein said bottom board is at least semi-rigid, wherein said bottom board is angled upwards in a direction away from said back-facing face, wherein said backpack is configured to maintain said bottom board generally in said direction when said backpack contains a load therein, wherein said backpack body has an away-facing face generally opposed to said back-facing face and wherein the backpack body has a top;

at least one shoulder strap connected to said backpack body, wherein said at least one shoulder strap is adapted for mounting said backpack on a wearer;

at least one shoulder strap cinch strap, wherein the at least one shoulder strap cinch strap has a first end that is on the away-facing face of the backpack body and a second end that is on the at least one shoulder strap and is spaced from the back-facing face, and wherein the at least one shoulder strap cinch strap is adjustable in length and extends over the top.

23. (previously amended) A backpack as claimed in claim 22, further comprising a back board positioned on said back-facing face, wherein said back board is at least semi-rigid.

24. (previously amended) A backpack as claimed in claim 22, wherein the first end of the at least one shoulder strap cinch strap is at the top of the backpack body and wherein, in use, the at least one shoulder strap cinch strap joins to the at least one shoulder strap proximate where the at least one shoulder strap contacts the top of at least one shoulder of a user.

25. (cancelled)

26. (previously amended) A backpack as claimed in claim 22, wherein the backpack body has a zipper thereon, wherein the at least one shoulder strap cinch strap passes over the zipper, and wherein the shoulder strap cinch strap includes a separation clip that is separable to permit the shoulder strap cinch strap to separate into two portions.

27. (previously amended) A backpack as claimed in claim 22, wherein said at least one cinch strap is connected to said backpack body for cinching said away-facing face and said back-facing face towards each other.

28. (currently amended) A backpack as claimed in claim 27, wherein [the] at least one side cinch strap extends downwards in a direction from said back-facing face towards said away-facing face.

29. (previously amended) A backpack as claimed in claim 22, said backpack body having a back-facing face, said back-facing face having at least one air channel defined thereon, wherein said at least one air channel has at least one opening at the periphery of said back-facing face.

30. (previously presented) A backpack, comprising:
a backpack body having a top, a bottom, a back-facing face and an away-facing face defined by at least a back-facing panel and an away-facing panel, said backpack body defining at least one storage compartment;
a closure member reversibly closing an opening in the top;
at least one shoulder strap connected to said backpack body, wherein said at least one shoulder strap is adapted for mounting said backpack on a wearer;

at least one shoulder strap cinch strap, wherein the at least one shoulder strap cinch strap has a first end that is on the backpack body and a second end that is on the at least one shoulder strap and extends over the closure member, and wherein the at least one shoulder strap cinch strap comprises a quick release mechanism.

31. (Previously Presented) A backpack as claimed in claim 30, further comprising a back board positioned on said back-facing face, wherein said back board is at least semi-rigid.

32. (Previously Presented) A backpack as claimed in claim 30, further comprising a plurality of cushions positioned on said back-facing face, wherein said plurality of cushions are positioned on all regions of said back-facing face that contact the back of said wearer when in use.

33. (Previously Presented) A backpack as claimed in 30, wherein a bottom board is positioned at said bottom, wherein said bottom board is angled upwards in a direction away from said back-facing face.

34. (Previously Presented) A backpack as claimed in claim 33, further comprising at least one side cinch strap connected to the backpack body for cinching said back-facing face and said away-facing face towards each other.

35. (Previously Presented) A backpack as claimed in claim 34, wherein said side strap extends downwards in a direction from said back-facing face towards said away-facing face.

36. (Previously Presented) A backpack as claimed in 30, wherein the at least one shoulder strap cinch strap is adjustable in length.

37. (New) A backpack as claimed in claim 17, wherein the cinch strap has a first end that is connected to a backpack body and a second end that is connected to the shoulder strap wherein the first and second ends are on opposite sides of the closure member.

38. (New) A backpack as claimed in claim 37, wherein the back-facing face has a top end and the shoulder strap is connected to the back-facing face at a position spaced from the top end of the back-facing face.

39. (New) A backpack as claimed in claim 37, wherein the first end of the cinch strap is positioned at least part way towards the away-facing face.

40. (New) A backpack as claimed in claim 37, wherein the cinch strap has a length adjustment strap and the length adjustment strap is positioned in front of the wearer when the wearer is wearing the backpack.

41. (New) A backpack as claimed in claim 22, wherein the storage compartment is closeable by a closure member and the first and second ends of the cinch strap are on opposite sides of the closure member.

42. (New) A backpack as claimed in claim 22, wherein the back-facing face has a top end and the shoulder strap is connected to the back-facing face at a position spaced from the top end of the back-facing face.

43. (New) A backpack as claimed in claim 22, wherein the cinch strap has a length adjustment strap and the length adjustment strap is positioned in front of the wearer when the wearer is wearing the backpack.

44. (New) A backpack as claimed in claim 30, wherein the back-facing face has a top end and the shoulder strap is connected to the back-facing face at a position spaced from the top end of the back-facing face.

45. (New) A backpack as claimed in claim 30, wherein the first end of the cinch strap is positioned at least part way towards the away-facing face.

46. (New) A backpack as claimed in claim 30, wherein the cinch strap has a length adjustment strap and the length adjustment strap is positioned in front of the wearer when the wearer is wearing the backpack.

47. (New) A backpack, comprising:

 a backpack body having a back-facing face and an away-facing face, said backpack body defining at least one storage compartment;

 a closure member reversibly closing an opening in the backpack body;

 at least one shoulder strap connected to said backpack body, wherein said at least one shoulder strap is adapted for mounting said backpack on a wearer;

 at least one shoulder strap cinch strap having first and second portions, the first and second portions are separable from each other and the at least one shoulder strap cinch strap extends forwardly over the backpack from a first end that is on the at least one shoulder strap to a second end that is positioned at least part way towards the away-facing face.

48. (New) A backpack as claimed in claim 47, wherein the back-facing face has a top end and the shoulder strap is connected to the back-facing face at a position spaced from the top end of the back-facing face.

49. (New) A backpack as claimed in claim 47, wherein the cinch strap has a length adjustment strap and the length adjustment strap is positioned in front of the wearer when the wearer is wearing the backpack.

50. (New) A backpack as claimed in claim 47 wherein the first and second portions are connected to different parts of a quick release mechanism.

51. (New) A backpack as claimed in claim 47 wherein the shoulder strap cinch strap extends over the closure member.

REMARKS/ARGUMENTS

This is responsive to the Office Action dated September 11, 2006.

By this Response, the applicant has inserted new claims 37-51. Accordingly, the application now contains 4 independent claims and a total of 33 claims. The applicant has already paid the requisite claim fee for 5 independent claims. However, the applicant has not paid for any excess claims over 20. Please charge our deposit account 022095 in the amount of \$650.00 (\$50.00 for each dependent claim in excess of 20).

By this Response, the applicant has inserted new claims 37-40 which depend directly or indirectly from claim 17, claims 41-43 which depend from claim 22 and claims 44-46 which depend from these claims set out further preferred features of the backpack claimed in claims 17, 22 and 30. In addition, the applicant has inserted new claims 47-51. Claim 47 claims a preferred embodiment of the backpack as set out in the instant application.

In the Office Action, the Examiner objected to claim 30 as the Examiner could not locate any basis for the limitation "reversibly closing" in the specification. In the specification, the applicant stated in paragraph 23 that:

"The backpack body 26 has at least one storage compartment 28 therein for receiving a load 30 and provides access to the compartment 28 by any suitable means, such as a zipper 29". (emphasis added).

It is respectfully submitted that a zipper, let alone other means, permits a compartment to be opened and closed. Therefore, the compartment can be reversibly closed. Accordingly, the applicant respectfully submits that claim 30 complies with 37 CFR 1.75(d)(1).

In the Office Action, the Examiner rejected claim 28 under 35 USC 112, second paragraph, as not containing an antecedent for "the at least one side cinch strap". By this response, the applicant has deleted the word "the" from the claim. Accordingly, the applicant respectfully submits that no antecedent is required.

In the Office Action, the Examiner rejected claims 30 and 36 under 35 USC 102(b) in view of Fier. The Examiner stated that buckle 62 of Fier is a "quick release mechanism". ~~The Examiner stated that the end of the cinch strap could be removed or slid out of the~~ sliding buckle as quickly as a user could pull it out. The Examiner noted that the end of the cinch strap is not folded over so as to prevent it from being removed from the buckle. The applicant has carefully considered the argument raised by the Examiner but respectfully traverses the argument. The applicant points out that, in use, buckle 62 is part of the adjustable strap system of the backpack. The two shoulder straps each have a buckle 62 that receives a strap 66. In use, it is expected that strap 66 is non-movable received in buckle 62. Otherwise, when a user is wearing the backpack, the backpack would drop lower on the user's back as strap 66 slips through buckle 62 and would eventually fall when strap 66 slips out of buckle 62. To prevent this, applicant understands strap 66 to actually be folded as it passes upwardly through buckle 62 and then downwardly through buckle 62 so as to be locked in position (see Figure 2). Accordingly, for a user to remove strap 66 from buckle 62, the user would have to unthread the strap. Accordingly, the applicant points out that, contrary to the statement by the Examiner, strap 66 would be "folded over so as to prevent it from being removed from the buckle". Accordingly, the applicant respectfully submits that Fier does not anticipate claims 30 and 36.

The Examiner rejected claims 17-19, 22-24, 26-28 and 30-36 under 35 USC 103(a) in view of Ivarson, Gausling and Godshaw. Ivarson does not disclose a shoulder strap that extends over the top of the back pack. Essentially, the Examiner has argued that it is known to have a strap to extend over the top of a backpack (see Gausling) and that it would be obvious to use the separation clips of Godshaw to facilitate access to the opening of a backpack.